

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LARRY J DUANE SPENCER,

Plaintiff,

v.

ORDER

10-cv-288-bbc

JOSEPH L. SOMMERS, ANN SAYLES,
STUART A. SCHWARTZ, DAVID KNOLL,
CHRISTOPHER DUREN, PAUL NESSON JR,
TIMOTHY DAVID EDWARDS, JENNIFER HARPER,
GREGORY DUTCH, STAN KAUFMAN,
JAY LAUFENBERG, MARY JONES,
FRANK EARL RADCLIFF, ROY U. SCHENK,
CINDY S. GEOFFREY, MELISSA HARNESS,
JOHN RADOVAN, ROSA I AGUILU,
BRIAN BLANCHARD, GARY H. HAMBLIN,
JOHN PIER ROEMER, KAREN KRUGGER,
MARIANNE SIMPSON, ANA M. BOATWRIGHT,
TAMMY J. SIME, MS BURNS, MS RICHARDSON,
RANDALL HEPP, NANCEY GANTHER,
CAPT. KANNANBERG, CAPT GUARCEAU,
MR JAEGER, MS TEGELS, C.O. KRATKY,
SANDY K. MAGUIR-PETKE, C.O. RYBUCK, MS RICK,
TERRY L. SHUK, C.O. CORBIN, DAWON JONES,
JAMES ISAACSON, ROY LA BARTON GAY,
D.O. WATSON, TODD E. MEURER,
PEGGY L. NICHOLS, STACEY A. BIRCH,
BRENDA L. PETERSON, SHEILA D. PATTEN,
DOCTOR HANNULA, MR SWEENEY
and DEPARTMENT OF CORRECTIONS

Defendants.

On July 30, 2010, this case was closed and judgment was entered because plaintiff did not make his initial partial payment of \$1.65. On September 27, 2010, plaintiff filed a motion to reopen the case and on October 5, 2010, I stayed the motion to reopen the case pending receipt of plaintiff's \$1.65 initial partial payment. Now plaintiff has paid the \$1.65 initial partial payment. Therefore, plaintiff's case will be reopened. Plaintiff's complaint will be taken under advisement for screening pursuant to 28 U.S.C. § 1915(e)(2). Leave to proceed will not be granted if the action must be dismissed as malicious or legally "frivolous," a term that means that the complaint does not allege a claim of any kind. Leave can be denied also if the complaint does not state a claim on which plaintiff could obtain relief under the law or if plaintiff is asking for money from a defendant who is legally protected from having to pay money in his case.

Plaintiff should be aware that he is obligated to pay the remainder of the \$350 filing fee, even if this court determines that he will not be permitted to proceed with his complaint in forma pauperis and even if he does not presently have funds with which to pay the fee. 28 U.S.C. § 1915(b)(1). His account will be monitored and the fee must be taken in monthly installments when the funds exist.

ORDER

IT IS ORDERED that plaintiff Larry Spencer's motion to reopen this case, dkt. #34, is GRANTED. Plaintiff's complaint is taken under advisement for screening pursuant to 28 U.S.C. § 1915(e)(2).

Further, the Clerk of Court is directed to insure that the court's financial records reflect that plaintiff owes the remainder of the \$350 fee for filing this case, in accordance with the requirements of the Prison Litigation Reform Act.

Entered this 19th day of October, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge